

**REMARKS**

Claims 39-81 are pending.

**I. The Restriction Requirement and Applicant's Provisional Election**

The Examiner required election, under 35 U.S.C. § 121, to:

- (1) (i) glucosinolates or a derivative thereof, or (ii) isothiocyanates or a derivative thereof. and
- (2) one six possible combinations of compounds (labeled (i)–(vi)) used in the claims to treat a subject.

In addition, the office action requires that Applicant chose a single glucosinolate or isothiocyanate for the purpose of searching the elected claims of point (1) and the particular compounds within the selected combination of point (2). See point 1 and 2, pp. 2-3 of the Office Action.

In response, Applicants hereby elect, **with traverse**, for point (1) an isothiocyanate, specifically, sulforophane, claims 39-40, 42-53, and 55-81. In addition, Applicants hereby elect, **with traverse**, for point (2), (i) one agent (monotherapy), specifically, an isothiocyanate, and more specifically, sulforophane, claims 39-40, 42-43, 48-56, 61-65, and 71-75.

Applicants note that upon allowance of any generic claims, the election requirement as to the linked inventions shall be withdrawn and any claims depending from or otherwise requiring all of the limitations of the allowable generic claims will be rejoined and fully examined for patentability in accordance with 37 CFR 1.104 and 1.141.

**II. The Search Of Multiple Species Is Not Unduly Burdensome**

Applicants traverse the election requirement on the grounds that the search and examination of both isothiocyanates and glucosinolates as well as all multiple combinations of agents for therapy is not unduly burdensome. See MPEP § 803.

a. Isothiocyanates and Glucosinolates

The Office has distinguished between isothiocyanates and glucosinolates. As outlined in the application, a person of skill in the art readily understands the relationship between

these two groups of compounds and the ability of both plants and body to enzymatically convert glucosinolates into isothiocyanates. They bear the relationship of precursor to product. In light of these mechanisms, the search and examination of these two families of related compounds is not unduly burdensome.

b. Combinations of Agents for Therapy

The Office has distinguished between combinations of agents for therapy including isothiocyanates and glucosinolates. As outlined in the application, a person of skill in the art readily understands the relationship between these two groups of compounds and the ability of both plants and body to enzymatically convert glucosinolates into isothiocyanates. They bear the relationship of precursor to product. In light of these mechanisms, the search and examination of these two families of related compounds with regards to treating subjects is not unduly burdensome.

III. **Conclusion**

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

If there are any fees due in connection with the filing of this response, please charge the fees to Deposit Account No. 19-0741. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should be charged to our Deposit Account.

Respectfully submitted,

Date

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FOLEY & LARDNER LLP  
Customer Number: 22428  
Telephone: (202) 672-5483  
Facsimile: (202) 672-5399

By

Richard C. Peet

Richard C. Peet  
Attorney for Applicants  
Registration No. 35,792